



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____
BILL 5 (2016)

A BILL FOR AN ORDINANCE

RELATING TO BED AND BREAKFAST HOMES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and Purpose.

The Council finds that bed and breakfast homes are currently prohibited in all zoning districts, except for those in operation prior to December 28, 1989, and that possess a nonconforming use certificate. Subsection 21-4.110-2(d) of the Land Use Ordinance provides that the owner, operator, or proprietor of bed and breakfast homes must apply to renew the nonconforming use certificate (NUC) between September 1 and October 15 of every even-numbered year.

Prior to 2012, the Department of Planning and Permitting (DPP) issued reminder notices to NUC holders about the renewal deadline. However, in 2012, without notice to the NUC holders, the DPP stopped issuing reminder notices. As a result, several long-established bed and breakfast homes, all of which were in continuous operation for over twenty-five years, lost their NUCs because they inadvertently lapsed at the end of September 30, 2012.

The purpose of this ordinance is to provide one-time relief to those owners of bed and breakfast homes who lost their NUCs after September 30, 2012, solely for failing to apply for renewal.

SECTION 2. Renewal of bed and breakfast home Nonconforming Use Certificates.

Notwithstanding ROH Sections 21-4.110-2 or 6-41.1(a)(16), or any administrative rule or policy of the department of planning and permitting:

- (a) An owner, operator, or proprietor of a bed and breakfast home who held a valid and current nonconforming use certificate for a bed and breakfast home on September 30, 2012, and who lost the nonconforming use certificate solely for failing to timely apply for renewal, may apply to renew the nonconforming use certificate prior to October 15, 2016.
- (b) The application to renew must include proof that (i) there were in effect a State of Hawaii general excise tax license and transient accommodations tax license for the nonconforming use for each calendar year covered by the nonconforming use certificate that expired on September 30, 2012, and that there were bed and



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breakfast occupancies (occupancies of less than 30 days apiece) for a total of at least 28 days during each such year and that (ii) there has been no period of 12 consecutive months during the period covered by the nonconforming use certificate that expired on September 30, 2012, without a bed and breakfast occupancy.

- (c) The renewed certificate takes effect as of the date of issuance and will be for a term expiring on September 30, 2018.
- (d) The fee for the renewal application will be as specified in Section 6-41.1(a)(16), plus, if applicable, a prorated portion of such fee based on the time the certificate will be in effect prior to September 30, 2016.
- (e) When applying for renewal between September 1, 2018 and October 15, 2018, the applicant will be required to demonstrate compliance with subsection 21-4.110-2(d) for the period beginning October 1, 2016.
- (f) The Director of Planning and Permitting shall notify owners, operators, and proprietors of bed and breakfast homes who held a nonconforming use certificate prior to September 30, 2012, but who subsequently failed to renew the certificate, of the renewal deadline established by this ordinance.



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SECTION 3. Effective Date.

This ordinance takes effect upon its approval.

INTRODUCED BY:

[Handwritten signature]

Councilmembers

DATE OF INTRODUCTION:

JAN 20 2016
Honolulu, Hawaii

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu